

RECEIVED

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SEP 13 2010
SEP 13 2010
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

MARGARET WILLIAMS

(Name of the plaintiff or plaintiffs)

v.
LOYOLA UNIVERSITY MEDICAL

(Name of the defendant or defendants)

10cv5794
Judge Kennelly
Mag. Judge Mason

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is MARGARET WILLIAMS of the county of COOK in the state of ILLINOIS.
3. The defendant is LOYOLA UNIVERSITY MEDICAL, whose street address is 2160 S. 1ST AVE, (city) MAYWOOD (county) COOK (state) IL (ZIP) 60153 (Defendant's telephone number) (708) 216-9000.
- II The plaintiff sought employment or was employed by the defendant at (street address) 2160 S. 1ST AVE (city) MAYWOOD (county) COOK (state) IL (ZIP code) 60153.
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.
6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) 08, (day) 22, (year) 2008.

7.1 (Choose paragraph 7.1 or 7.2, do NOT complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box]

☐ has not ☒ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) 06 (day) 17 (year) 2010.

(ii) ☒ the Illinois Department of Human Rights, on or about (month) 08 (day) 22 (year) 2008.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES ☐ NO,

but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ YES ☐ NO, but a copy will be filed within 14 days.

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)

(a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) 07 (day) 30 (year) 2010 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [*check only those that apply*]:

- (a) ☒ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): _____

13. The facts supporting the plaintiff's claim of discrimination are as follows:

*This was a unjustified termination and
I feel this is a racial discrimination
from a white supervisor.*

*My pay deducted from pay ^{CHECK} AND HAVE A KEY TO ASSIGN
GARAGE.*

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ YES ☒ NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
(b) ☒ Direct the defendant to re-employ the plaintiff.
(c) ☐ Direct the defendant to promote the plaintiff.
(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.
(f) ☐ Direct the defendant to (specify): _____

- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
(h) ☒ Grant such other relief as the Court may find appropriate.

Mardine Williams

Plaintiff's signature

MARDINE WILLIAMS

Plaintiff's name

Plaintiff's street address MARDINE WILLIAMS
1033 THOMAS AVE

City FOREST PARK State IL ZIP 60130

Plaintiff's telephone number 708-890-3350

Date: 9/13/10

DISMISSAL AND NOTICE OF RIGHTS

To: **Mardine Williams**
1033 S Thomas Avenue
Forest Park, IL 60130

From: **Chicago District Office**
500 West Madison St
Suite 2000
Chicago, IL 60661

CERTIFIED MAIL 7010 0290 0003 3520 8192



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2009-00250

Armernola P. Smith,
State & Local Coordinator

(312) 886-5973

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

John P. Rowe/mph

2010-06-17

Enclosures(s)

John P. Rowe,
District Director

(Date Mailed)

cc: **LOYOLA UNIVERSITY MEDICAL**
2160 S 1st Ave
Maywood, IL 60153

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.

#09W1028.12

AGENCY

☒ IDHR

☐ EEOC

CHARGE NUMBER

2009CA1261

Illinois Department of Human Rights and EEOC

NAME (indicate Mr. Ms. Mrs.)

Ms. Mardine Williams

HOME TELEPHONE (include area code)

(708) 488-8063

STREET ADDRESS

1033 S. Thomas Avenue

CITY, STATE AND ZIP CODE

Forest Park, IL 60130

DATE OF BIRTH

01/04/1957

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)

NAME

Loyola University Medical Center

NUMBER OF EMPLOYEES,
MEMBERS 15+

TELEPHONE (Include area code)

(708) 216-9000

STREET ADDRESS

2160 S. 1st Avenue

CITY, STATE AND ZIP CODE

Maywood, IL 60153

COUNTY

Cook

CAUSE OF DISCRIMINATION BASED ON:

SEX RACE AGE PHYSICAL DISABILITY

DATE OF DISCRIMINATION

EARLIEST (ADEA/EPA) LATEST (ALL)
08/22/2008

☐ CONTINUING ACTION

THE PARTICULARS ARE (if additional space is needed attach extra sheets)

I. A. ISSUE/BASIS

DISCHARGE - AUGUST 22, 2008, BASED ON MY SEX, FEMALE

B. PRIMA FACIE ALLEGATION

1. My sex is female.
2. I began my employment with Respondent as a Security Officer in September 1995. My job performance met Respondent's legitimate expectations.

Continued...

I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SUBSCRIBED AND SWORN TO BEFORE ME

THIS 28th DAY OF October, 2008

Yolanda G. Godwin
NOTARY SIGNATURE

OFFICIAL SEAL
YOLANDA G GODWIN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:09/21/11

NOTARY SEAL

Mardine Williams 10/28/08
SIGNATURE OF COMPLAINANT DATE

I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief

Charge Number: 20 A1261
Complainant: Mardine Williams
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3. On August 14, 2008, I received a parking ticket for parking on the third floor. I pay to park in Respondent's garage and according to Respondent's policy employees are allowed to park between the third and the sixth floor. On August 22, 2008, Maureen Froncek (female), Manager, discharged me for receiving the parking ticket.
4. Similarly situated male employees have received numerous parking tickets but they were not discharged.

II. A. ISSUE/BASIS

DISCHARGE – AUGUST 22, 2008, BASED ON MY AGE, 51

B. PRIMA FACIE ALLEGATIONS

1. My age is 51.
2. I began my employment with Respondent as a Security Officer in September 1995. My job performance met Respondent's legitimate expectations.
3. On August 14, 2008, I received a parking ticket for parking on the third floor. I pay to park in Respondent's garage and according to Respondent's policy employees are allowed to park between the third and the sixth floor. On August 22, 2008, Maureen Froncek (50+), Manager, discharged me for receiving the parking ticket.
4. Similarly situated employees under 40 years of age or significantly younger than myself have received numerous parking tickets and they were not discharged.

III. A. ISSUE/BASIS

DISCHARGE – AUGUST 22, 2008, BASED ON MY RACE, BLACK

B. PRIMA FACIE ALLEGATIONS

1. My race is black.
2. I began my employment with Respondent as a Security Officer in September 1995. My job performance met Respondent's legitimate expectations.

Continued...

Charge Number: 2009CA1261

Complainant: Mardine Williams

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3. On August 14, 2008, I received a parking ticket for parking on the third floor. I pay to park in Respondent's garage and according to Respondent's policy employees are allowed to park between the third and the sixth floor. On August 22, 2008, Maureen Froncek (non-black), Manager, discharged me for receiving the parking ticket.
4. Similarly situated non-black, employees have received numerous parking tickets and they were not discharged.

IV. A. ISSUE/BASIS

**DISCHARGE – AUGUST 22, 2008, BASED ON MY PHYSICAL
DISABILITY, LEFT SHOULDER INJURY**

B. PRIMA FACIE ALLEGATIONS

1. I am an individual with a physical disability as defined within Section 1-103 (I) of the Illinois Human Rights Act.
 2. Respondent is aware of my disability.
-
3. On August 14, 2008, I received a parking ticket for parking on the third floor. I pay to park in Respondent's garage and according to Respondent's policy employees are allowed to park between the third and the sixth floor. On August 22, 2008, Maureen Froncek, Manager, discharged me for receiving the parking ticket. My discharge occurred a few weeks before a scheduled surgery.
 4. My disability is unrelated to my ability to perform the essential functions of my job duties.

V. A. ISSUE/BASIS

**DISCHARGE – AUGUST 22, 2008, BASED ON MY PHYSICAL
DISABILITY, DIABETES**

B. PRIMA FACIE ALLEGATIONS

1. I am an individual with a physical disability as defined within Section 1-103 (I) of the Illinois Human Rights Act.
2. Respondent is aware of my disability.

Continued...

Charge Number: 200 A1261

Complainant: Mardine Williams

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3. On August 14, 2008, I received a parking ticket for parking on the third floor. I pay to park in Respondent's garage and according to Respondent's policy employees are allowed to park between the third and the sixth floor. On August 22, 2008, Maureen Froncek, Manager, discharged me for receiving the parking ticket.
4. My disability is unrelated to my ability to perform the essential functions of my job duties.

MEE/TFR
